IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3928 OF 2005

Avinash @ Pappu Vasant Kadu ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Jayesh B. Kocheta for the Applicant
Mr.U.V.Nikam, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 5,2005.

P.C.:

1. F.I.R. has been lodged against the Applicant and the other co-accused for offences punishable under Sections 302, 324 read with Section 34 of the Indian Penal Code. The Applicant is praying for relief of grant of bail mainly on the ground of parity. He is placing reliance on order dated 8th April 2005 passed by this Court in favour of Ramesh Sadashiv Sarmal who according to the Applicant is the main accused in the case. He has also placed reliance on the order passed by the learned Additional Sessions Judge, Pune dated 17th May 2005 in favour of the co-accused Sunil.

2. In the supplementary statement of the complainant who is the mother of the deceased, she has alleged that co-accused Ramesh, Sunil, Balya and four or five persons accompanying the said accused assaulted the deceased by using swords. In the first part of her supplementary statement she has not named the Applicant specifically but in the second part she has made

general allegations against the Applicant, co-accused Sunil, Ramesh, Balya and Laxman that they assaulted the deceased by swords, knives and big stones.

3. Considering the statements of the other witness and that taking the case of the prosecution as true, there is no difference between the role played by the Applicant and the co-accused Ramesh and Sunil. Therefore, in my view the Applicant is entitled to be enlarged on bail on the basis of parity.

4. The Affidavit of the Investigating Officer Shri Rajaram Yashwant Shinde is placed on record explaining the reason for his absence on the last date. In view of what is stated in paragraph No.2 of the Affidavit, the explanation given by the said Officer for his absence deserves to be accepted and no further action is called for in that behalf.

5.Hence I pass the following order :

a) The Applicant is directed to be released on bail in connection with C.R.No.577 of 2004 registered with Kothrud Police Station, Pune on executing personal bond in the sum of Rs.20,000/- (Rupees twenty thousand only) with two local sureties in the like amount.

b) The Applicant shall not influence prosecution witnesses nor

shall tamper with the prosecution evidence in any manner whatsoever.

c) The Applicant shall co-operate for early disposal of the trial. In case the trial Court is of the opinion that the Applicant is responsible for delay in disposal of the trial, that fact be recorded in the roznama, which can be the basis for cancellation of bail.

. Application is disposed of in above terms.

JUDGE